



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
1707 North 9<sup>th</sup> Street, Lower Level  
Bismarck, ND 58501

Re: Enbridge Pipelines (North Dakota) LLC  
Siting Application  
Case No. PU-10-130

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge in the captioned case. A hearing will be held 5 November 2010, at 11:00 a.m. CDT, at the Berthold American Legion Hall, 30303 20th Ave. SW, Berthold, North Dakota. A copy of the Notice of Hearing is attached.

The Administrative Law Judge will serve as a procedural law judge and the hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Illona A. Jeffcoat-Sacco  
General Counsel

enclosure  
c: w/encl. Wade C. Mann

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

24 September 2010

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Enbridge Pipelines (North Dakota) LLC  
Berthold Station Upgrades  
Siting Application

Case No. PU-10-130

NOTICE OF HEARING

September 22, 2010

On August 4, 2010, the Commission issued an Order granting the application of Enbridge Pipelines (North Dakota) LLC (Enbridge) and issuing Certificate of Corridor Compatibility Number 114 and Route Permit Number 124 authorizing construction and operation of upgrades to Enbridge's Berthold Station in Ward County, North Dakota. The Order was conditioned on Enbridge's compliance with local land use, zoning, and building rules, regulations and ordinances.

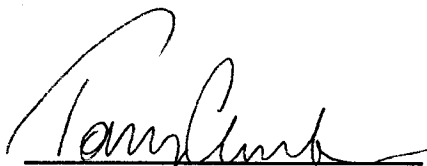
On September 20, 2010, Enbridge filed a Motion and supporting documents under N.D.C.C. § 49-22-16(2) asking the Commission to reopen the proceeding and supersede and preempt the City of Berthold's zoning decision.

A Public Hearing on this matter is scheduled to begin **November 5, 2010, at 11:00 a.m. CDT**, at the **Berthold American Legion Hall, 30303 20<sup>th</sup> Ave SW, Berthold, North Dakota, 58718**.

The issue to be considered is whether the City of Berthold's rules, regulations, or ordinances, as applied to Enbridge's Berthold Station, are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of their location.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

PUBLIC SERVICE COMMISSION



**Tony Clark**  
Commissioner



**Kevin Cramer**  
Chairman



**Brian P. Kalk**  
Commissioner

Attachment  
 Request for ALJ  
 24 September 2010

Enbridge Pipelines (North Dakota) LLC  
 Berthold Station Upgrades  
 Siting Application  
 Case No. PU-10-130

<b>AGENCY</b>	<b>Address</b>	<b>Telephone Number</b>
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
<b>Representation</b> Illona Jeffcoat-Sacco, General Counsel	<b>Address</b> Same as above	<b>Telephone Number</b> 701-328-2407
<b>PARTY</b> Mike Moeller General Manager Enbridge Pipelines (North Dakota) LLC	<b>Address</b> 2505 16th Street SW, Minot, North Dakota 58701	<b>Telephone Number</b> 701-857-0832
<b>Representation</b> Wade C. Mann, Attorney Crowley Fleck PLLP	<b>Address</b> PO Box 2798 Bismarck ND 58502-2798	<b>Telephone Number</b> 701-223-6585
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
 NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS  
 SFN 17819 (Rev. 03-2001)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Enbridge Pipelines (North Dakota) LLC, Berthold Station Upgrades, Siting Application - PSC Case  
 No. PU-10-130

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in North Dakota Century Code Section 49-22-16(2) (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 The issue to be considered is whether the City of Berthold's rules, regulations, or ordinances, as applied to Enbridge's Berthold Station, are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of their location.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 54-57-04(6).
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
 A hearing will be held 5 November 2010, at 11:00 a.m. CDT, at the Berthold American Legion Hall, 30303 20th Ave. SW, Berthold, North Dakota, 58718

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat -Sacco, General Counsel	Date 24 September 2010
Signature of Requesting Person x	Telephone Number 701-328-2407